IN THE HIGH COURT OF UTTARAANCHAL AT NAINITAL.

Urgency Application No. 4509 of 2005
In
Writ Petition No. 982 (S/S) of 2005

1. C.P. No. 6, Tikam Singh, Police Station – Dharashu, Uttarkashi.
2. C.P. No. 167, Azad Singh, Police Station – Dharashu, Uttarkashi.
3. C.P. No. 126, Mukesh Kumar, Police Station – Kotwali, Uttarakashi.
4. C.P. No. 20, Pratap Shiv Ram, Police Station – Dharashu, Uttarkshi.
5. C.P. No. 59, Brji Ram Tomar, Police Station – Dharashu, Uttarakshi.
6. C.P. No. 36, Hari Om Singh, Police Station – Barkot, Uttarkashi.
7. C.P. No. 52, Sathish Kumar, Police Station – Barkot, Uttarkashi.
8. C.P. No. 112, Jagdeep Singh, Police Station – Barokt, Uttarkashi.

…….Petitioners.

V e r s u s

1. State of Uttaranchal, though Director General of Police, Karmik, Police Head Quarter, Uttaranchal, Dehradun.
2. Superintendent of Police, Uttarkashi, District – Uttarkashi.

……Respondents

Hon'ble M.M. Ghildiyal,

Heard Sri Vinod Sharma, learned counsel for the petitioners and learned standing counsel, who has accepted notices on behalf or respondents.

Learned counsel for both the parties are agreed to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioners have prayed to issue a writ in the nature of Mandamus commanding the respondent no. 2 i.e. SP, Uttarkashi to relieve them for State of Uttar Pradesh in pursuance of order dated 14.07.2004 passed by DIG (Karmik), Uttar Pradesh.

The submission of the petitioners is that petitioners are permanent residents of Uttar Pradesh and they were appointed in the Police Department by the State of U.P. At the time of creation of Uttaranchal, they were working in the State of Uttaranchal and as per Government Order, they opted for State of U.P. before creation of State of Uttaranchal. The Deputy Inspector of Police (Karmik), Uttar Pradesh vide order dated 14.07.2004 has passed an order, allotting the petitioners State of U.P. on the basis of their options, however, State of Uttaranchal has not relieved them for the State of U.P.

Learned standing counsel has submitted that the order dated 14.07.2004 passed by Dy. Inspector of Police (Karmik), Uttar Pradesh, on which the petitioners are relying, is a unilateral order and this order cannot be given effect to and no order allocating the petitioners State of U.P. is passed by the Competent Authority.

During the course of argument, learned counsel for the petitioners has confined his prayer that the petitioners may be permitted to make representation to the Competent Authority and the Competent Authority may be directed to take early decision on the representation(s) of petitioners, regarding their allocation to State of U.P. on the basis of their options.

The prayer is innocuous, as such, I think it just and proper to direct the petitioner to move a representation before Director General of Police, Uttaranchal within a period of two week from the date of receipt of certified copy of this order for redressal of their grievance and the Director General of Police, Uttaranchal shall forward the same to the Competent Authority for his final decision on the options of the petitioners. The Director General of Police, Uttaranchal may take necessary action in this regard within a period of two months from the date of receipt of representation from the petitioners.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 21, 2005
S.K.Sharma